

REMARKS

Claims 5, 7-9 and 12-42 are pending in the present application. Applicant respectfully requests reconsideration of the presently pending claims in view of the following remarks.

Claim Rejections pursuant to 35 U.S.C. §103(a)

Claims 5, 8, 9, 12, 16, 18, 20, 22-27, 29-32, and 35-42 were rejected pursuant to 35 U.S.C. §103(a) as being obvious in view of Kurokawa et al. (U.S. Pat. No. 7,016,706 hereinafter, "Kurokawa") as modified by Alford (U.S. Pat. No. 5,634,196 hereinafter, "Alford"). In addition, Claims 7, 13-15, 17, 19, 21, 28, 33 and 34 were rejected pursuant to 35 U.S.C. §103(a) as being unpatentable over Kurokawa as modified by Alford and Monnes et al. (U.S. Pat. No. 6,459,440 hereinafter, "Monnes"). Applicant respectfully traverses these rejections because the cited references do not teach or suggest each and every limitation of the presently pending claims.

Claims 5, 7 and 29-36

Claim 5 describes that the processor is further configured to suspend operation of an application program operable within the operating system when an event is detected, means for storing a plurality of event data indications, that the processor is further configured to resume operation of the application program suspended by the processor, and the event data indications each represent respective events between a start of suspension of operation of the application program and resumption of operation of the application program at an end of the suspension. On page 3 of the

Response to Final Office Action mailed December 11, 2008

Response filed February 11, 2009

Office Action mailed December 11, 2008, it is asserted that Step 6j in Fig. 6 of Kurokawa is equivalent to event data indications that each represent respective events between a start of suspension of operation of the application program and resumption of operation of the application program at an end of the suspension as described in Claim 5. However, Kurokawa describes in column 13, lines 10-15, that Step 6j illustrates storage of an originating party's telephone number and time of receipt of the incoming call as non-answered call history data. Thus, the data being stored as described by Kurokawa is not representative of respective events between a start of suspension of operation of the application program and resumption of operation of the application program at an end of the suspension. To the contrary, as clearly shown in steps 6c and 6d of Fig. 6 of Kurokawa, receipt of an incoming call occurs prior to stopping reproduction of a moving picture. Accordingly, Kurokawa does not teach or suggest storage of event data indications each representing respective events between a start of suspension of operation of the application program and resumption of operation of the application program at an end of the suspension as described in Claim 5.

Claim 5 also describes that the processor is further configured to deliver at least one of the stored event data indications to the resumed application program, wherein operation of the resumed application program is configured to adjust in accordance with the at least one of the event data indications to be responsive to the cause of the suspension. On pages 3 and 4 of the Office Action mailed December 11, 2008, it is correctly indicated that Kurokawa fails to teach or suggest delivery of at

Response to Final Office Action mailed December 11, 2008

Response filed February 11, 2009

least one of the stored event data indications to the resumed application program. To bridge this gap in Kurokawa, Alford was asserted to describe such limitations, and it was further asserted that it would be obvious to combine Kurokawa and Alford because "it would be obvious to substitute the running of the moving picture reproduction program of Kurokawa with the displaying call history of Alford since Kurokawa already enables a user to view missed calls during multi-tasking."

Applicant respectfully traverses these assertions. Firstly, the combination of Kurokawa and Alford is improper since the addition of Alford to Kurokawa renders Kurokawa unsatisfactory for its intended purpose and/or impermissibly changes the principal of operation of Kurokawa. (see MPEP 2143 (V) and (VI)) Specifically, Kurokawa makes clear that the resumed application is a moving picture (Col. 6 lines 60-67). Thus, adjusting a resumed application program in accordance with event data to be responsive to the cause of the suspension as described in Claim 5 renders Kurokawa unsatisfactory for its intended purpose by circumventing the clear intent of Kurokawa to provide "smooth, continuous moving picture reproduction" ... "even if call reception occurs during reproduction of the moving picture and reproduction of the moving picture is suspended." (Col. 7 lines 51-54) As described in column 6, lines 64-67 of Kurokawa "reproduced content is made consistent before and after the occurrence of the incoming call." Thus, modification of Kurokawa to "substitute the running of the moving picture reproduction program of Kurokawa with the displaying call history of Alford" at a minimum impermissibly changes the principal of operation of Kurokawa, and quite clearly also renders Kurokawa unsatisfactory for

Response to Final Office Action mailed December 11, 2008

Response filed February 11, 2009

its intended purpose of smoothly resuming reproduction of a motion picture after suspension due to an incoming call.

Secondly, on page 4 of the Office Action, the Examiner asserts that substitution of "the running of the moving picture reproduction program of Kurokawa with the displaying call history of Alford [is obvious] since Kurokawa already enables a user to view missed calls during multi-tasking." However, Claim 5 describes a processor configured to suspend operation of an application program, and resumption of operation of said application program suspended by the processor. Accordingly, the resumed application program and the suspended application program must be the same program. Modification of Kurokawa with Alford as asserted in the office action results in suspension of Kurokawa's reproduction of a moving picture, and launching of Alford's display of call history. Clearly, the combination of Kurokawa's reproduction of a moving picture and Alford's display of a call history does not result in operation of a resumed application program that is configured to adjust in accordance with the at least one of the event data indications to be responsive to the cause of the suspension as described in Claim 5. To the contrary, the entire purpose and function of Kurokawa's resumed moving picture reproduction is to smoothly resume from the point of the suspension or smoothly begin again from the beginning (Col. 7 lines 56-61). Thus, even with the addition of Alford, neither Kurokawa nor Alford teach or suggest any form of resumed application program that is configured to adjust in accordance with the at least one

of the event data indications to be responsive to the cause of the suspension as described in Claim 5.

For purposes of appeal, Claim 29 describes that the resumed application program is operable to generate the message in response to receipt of the delivered stored event. Contrary to the assertions on page 6 of the office action, neither Kurokawa nor Alford teach or suggest a resumed application program operable to generate any form of message, and thus quite clearly cannot teach or suggest generation of such a message in response to receipt of a delivered stored event. Applicant also respectfully traverses the rejection of Claim 30 because neither Kurokawa nor Alford teach or suggest a processor configured to maintain as unchanged data input by a user and temporarily stored in a terminal device during operation of an application program. Instead, the cited portions of Kurokawa simply describe resumption of reproduction of a suspended motion picture without any teach or suggestion of anything related to data input by a user, or that such data is maintained as unchanged during operation of an application program. Claim 33 describes resumption of a suspended application program after a specified time has elapsed following display of the message. Contrary to the assertions on page 9 of the office action, none of the cited references teach or suggest resumption of a suspended application program after a specified time has elapsed.

Claim 34 describes generation of difference messages that originate from a resumed application. Since none of the cited references teach or suggest any form of messages originated from a resumed application, Applicant respectfully traverses the

Response to Final Office Action mailed December 11, 2008

Response filed February 11, 2009

rejection of Claim 34. Claim 36 describes an interrupt table that identifies the event data and the application program interrupted thereby. On page 5 and 6 of the office action it was asserted that these limitations were well known. Applicant respectfully traverses these assertions in the context of the claimed invention. Applicant respectfully asserts that a table as specifically described in Claim 36 is not well known, and unsupported assertions cannot be used to render the limitations of Claim 36 obvious without authority supporting such a position, which in this case is wholly lacking. Moreover, the office action has wholly ignored specific limitations in Claim 36 describing the content of a table, which is impermissible. Applicant respectfully requests examination on the merits of the entirety of Claim 36 with an opportunity provided for Applicant to fully respond.

Claims 8 and 37-38

The method of Claim 8 describes storing a plurality of event data indications, and resuming operation of the application program that was suspended, wherein the event data indications each represent respective events between a start of suspension of operation of the application program and an end of suspension when operation of the application program is resumed. Kurokawa, on the other hand, fails to teach or suggest storage of event data indications that each represent respective events between a start of suspension of operation of an application program and an end of suspension when operation of the application program is resumed. Instead, Kurokawa simply describes storage of events that occur before or in the absence of

Response to Final Office Action mailed December 11, 2008

Response filed February 11, 2009

suspension, as previously discussed, and Alford does not make up for this deficiency in Kurokawa.

In addition, Claim 8 describes the resumed application adjusting further operation of the resumed application program in accordance with the at least one of the received event data indications to be responsive to the cause of the suspension. Neither Kurokawa nor Alford teach or suggest such limitations. In fact, not only does the modification of Kurokawa with Alford render Kurokawa unsatisfactory for its intended purpose and/or impermissibly changes the principal of operation of Kurokawa as previously discussed, but also neither Kurokawa nor Alford teach or suggest a resumed application that adjusts further operation of the resumed application program in accordance with the at least one of the received event data indications to be responsive to the cause of the suspension. To the contrary, Kurokawa teaches away by describing smooth continuous resumption of reproduction of a motion picture, and Alford is wholly silent regarding any form of resumed application or activities related thereto.

Claim 37 describes maintaining as unchanged data input by a user and temporarily stored in the terminal device during operation of the application program. Contrary to the assertions on page 7 of the office action, the cited portions of Kurokawa are wholly unconcerned with storage of data input by a user, and thus cannot possibly teach or suggest that such data is maintained as unchanged, and temporarily stored as further described in Claim 37.

Claims 9-28 and 39

Claim 9 describes instructions stored in the memory to generate a message originated from the resumed application that notifies a user of the first predetermined event. On page 4 of the office action it was asserted that "the limitations of Claim 9 are rejected as being the same reason set forth above in claim 9." Applicant is assuming that this is a typographical error and the rejection should have indicated "as set forth above in Claim 5." If Applicant's assumption is incorrect, Applicant respectfully requests indication of the correct basis for the rejection of Claim 9, and a full opportunity to respond to the rejection.

On the assumption that Claim 9 is rejected for the same reasons as Claim 5, it is immediately apparent that the limitations of instructions stored in the memory to generate a message originated from the resumed application that notifies a user of the first predetermined event are not recited in Claim 5. Accordingly, the Office Action mailed December 11, 2008 does not assert that either Kurokawa or Alford meet these limitations of Claim 9, but rather simply disregards them completely. Thus, it is respectfully requested that the rejection of Claim 9 be withdrawn as improper pursuant to MPEP 707 and 37 CFR §1.104(b) and 37 CFR §1.104(c)), and that Claim 9 be fully examined on the merits with a full opportunity to respond to the basis of the rejection.

Moreover, neither Kurokawa nor Alford teach or suggest generation of any form of message originated from a resumed application that notifies a user of a first predetermined event. Alford is wholly silent regarding any form of resumed

Response to Final Office Action mailed December 11, 2008

Response filed February 11, 2009

application, and Kurokawa not only fails to describe any form of message originated from a resumed application, but also teaches directly away by described resumption of reproduction of a motion picture smoothly and continuously, as previously discussed. Applicant also respectfully traverses the asserted modification of Kurokawa with Alford, as previously discussed.

On page 5 of the office action, it was asserted that Kurokawa described instructions stored in the memory to, during the suspension, maintain application related data in volatile memory that was input by a user prior to the suspension as described in Claim 23. Applicant respectfully traverses these assertions for purposes of appeal since the cited portions of Kurokawa simply described resumption of reproduction of a suspended motion picture without any teach or suggestion of storage of application related data input by a user prior to the suspension as described in Claim 23.

Applicant respectfully traverses the finding of obviousness with regard to Claims 25 and 26 on pages 5 and 6 of the office action. Rejections on obviousness cannot be based on conclusory statements, and instead must be based on facts. Applicant respectfully asserts that in the context of the presently claimed invention, the limitations of claims 25 and 26 are not obvious, and respectfully requests production of factual evidence to support such assertions for purposes of appeal.

For purposes of appeal, Applicant also respectfully traverses the assertions on page 6 of the office action regarding storage and maintenance of an application in volatile memory as described in Claim 27 because the cited portions of Kurokawa, as

Response to Final Office Action mailed December 11, 2008

Response filed February 11, 2009

well as Alford, are wholly silent regarding such features. Instead, Kurokawa describes that moving picture data is stored in memory section, which is described as ROM or RAM. (Col.4 lines 44-45 and Col. 5 lines 62-63) In addition, Claim 28 describes deletion of stored event data when execution of the application is resumed. Monnes, on the other hand, describes a command to "delete a pop-up window." Clearly stored event data and a pop up window are entirely different and Applicant respectfully traverses the rejection of Claim 28 on these grounds. Applicant also respectfully traverses the assertion that either Kurokawa or Alford teach or suggest instructions to maintain as unchanged data input by a user and temporarily stored in memory during operation of the application. To the contrary, both Kurokawa and Alford are wholly silent regarding storage of any form of data input by a user, and quite clearly cannot teach or suggest that such data is temporarily stored in the memory as described in Claim 39.

Claim 40

Claim 40 describes instructions stored in the memory to generate with the resumed application one of a plurality of different screens for display to a user that correspond to the extracted event data to notify the user of the first predetermined event. On page 7 of the office action it was asserted that Claim 40 was rejected for the same reasons Claim 5 was rejected. However, Claim 5 does not recite the limitations of a plurality of different screens for display to a user, and the office action mailed December 11, 2008 does not assert that Kurokawa nor Alford meets these

Response to Final Office Action mailed December 11, 2008

Response filed February 11, 2009

limitations, but rather simply disregards them completely. Accordingly, it is respectfully requested that the rejection of Claim 40 be withdrawn as improper. (See MPEP 707 and 37 CFR §1.104(b) and 37 CFR §1.104(c))

Moreover, Claim 40 describes generation with the resumed application of one of a plurality of different screens. Neither Kurokawa nor Alford teach or suggest generation of any form of screen with a resumed application. To the contrary, Alford is wholly silent, and Kurokawa simply described smooth and continuous reproduction of moving picture data as previously discussed. Further, Applicant respectfully traverses the assertion that an event flag, as described in Claim 41, is obvious without any form of factual support. Applicant respectfully asserts that in the context of Claim 41, namely, "instructions to set an event flag indicative of a first predetermined event" cannot be rendered obvious without factual support for such an assertion.

Claim 41

Claim 41 describes instructions stored in the memory to resume execution of the application, in accordance with an interpretation by the resumed application of the predetermined indicator. On page 7 of the office action it was asserted that Claim 40 was rejected for the same reasons Claim 5 was rejected. However, even if Claim 5 recited the limitations regarding resumption of execution of the application, in accordance with an interpretation by the resumed application of the predetermined indicator as described in Claim 41, such limitations are not taught or

Response to Final Office Action mailed December 11, 2008

Response filed February 11, 2009

suggested by the cited references. In fact, the office action mailed December 11, 2008 does not assert that either Kurokawa or Alford meets these limitations as described in Claim 41, but rather simply disregards them completely. Accordingly, it is respectfully requested that the rejection of Claim 41 be withdrawn as improper. (See MPEP 707 and 37 CFR §1.104(b) and 37 CFR §1.104(c))

Claim 41 also describes instructions stored in the memory to generate a message originated from the resumed application that notifies a user of the first predetermined event based on the interpretation by the resumed application of the predetermined indicator. Even if such limitations were recited in Claim 5, neither Kurokawa nor Alford, alone, or in combination, teach or suggest generation of a message originated from a resumed application, or that said resumed application notifies a user of a first predetermined event. Thus, neither Kurokawa nor Alford could possibly teach or suggest notification based on interpretation by a resumed application of a predetermined indicator as further described in Claim 41.

In addition, Applicant respectfully traverses the apparent unsupported assertion that storage of a predetermined indicator of a predetermined event in association with an identifier of a suspended application in a table would be obvious. Again, Applicant respectfully asserts that the limitations of Claim 41 have not been fully considered. None of the cited references, either alone, or in combination, teach or suggest storage of a predetermined indicator ... in association with an identifier of a suspended application, even if such limitations are recited in Claim 5.

Response to Final Office Action mailed December 11, 2008

Response filed February 11, 2009

Claim 42

Claim 42 describes instructions stored in the memory to generate a message originated from the resumed application in response to the extracted event data, wherein the message is configured to notify a user of the first predetermined event. Even if generation of a message originated from a resumed application was recited in Claim 5, contrary to the assertions of page 7 of the office action neither Kurokawa nor Alford teach or suggest such limitations. Instead, Alford is wholly silent, and Kurokawa simply describes smooth and continuous reproduction of a moving picture, as previously discussed. In fact, the office action mailed December 11, 2008 does not assert that either Kurokawa or Alford meet the limitations of Claim 42 of instructions stored in the memory to generate a message originated from the resumed application in response to the extracted event data, but rather simply disregards these limitations completely. Accordingly, it is respectfully requested that the rejection of Claim 42 be withdrawn as improper. (See MPEP 707 and 37 CFR §1.104(b) and 37 CFR §1.104(c))

For at least the previously discussed reasons, independent Claims 5, 8, 9, 40-42 and the claims dependent therefrom are not taught, suggested, or disclosed by the cited references either alone or in combination. Accordingly, Applicant respectfully requests withdrawal of the 35 U.S.C. §103(a) rejections of the presently pending Claims.

Serial No. 10/810,499

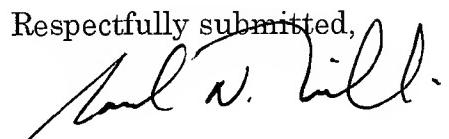
Filed: March 26, 2004

Response to Final Office Action mailed December 11, 2008

Response filed February 11, 2009

With this response, the present pending claims of this application are allowable, and Applicant respectfully requests issuance of a Notice of Allowance for this application. Should the Examiner deem a telephone conference to be beneficial in expediting allowance/examination of this application, the Examiner is invited to call the undersigned attorney at the telephone number listed below.

Respectfully submitted,



Sanders N. Hillis
Attorney Reg. No. 45,712
Attorney for Applicant

SNH

BRINKS HOFER GILSON & LIONE
CUSTOMER NO. 27879
Telephone: 317-636-0886
Facsimile: 317-634-6701